



OFFICE OF INSPECTOR GENERAL PALM BEACH COUNTY



John A. Carey
Inspector General

Inspector General
Accredited

“Enhancing Public Trust in Government”

Investigative Report

2019-0003 WB

**Palm Beach County Parks and
Recreation Department FEMA
Reimbursement**

March 5, 2020

Insight – Oversight – Foresight

PALM BEACH COUNTY PARKS AND RECREATION DEPARTMENT FEMA REIMBURSEMENT

SUMMARY

WHAT WE DID

On November 8, 2018, the Palm Beach County Office of Inspector General (OIG) received a complaint from a whistleblower (WB) alleging that the Palm Beach County (County) Parks and Recreation Department (Parks and Recreation) submitted a fraudulent claim to the Federal Emergency Management Agency (FEMA). The WB stated that Parks and Recreation employees sought reimbursement for expenditures and obligations that they falsely attributed to Hurricane Irma. The WB provided documentation to our office and stated there were inaccuracies on the County's Damage Inventory Master List, the document created to track and report storm-related damages and expenditures. According to the WB, the WB notified appropriate officials within Parks and Recreation of the inaccuracies, and they responded that the claim submission would be revisited and corrected. The WB contended that the corrections were never made.

Based upon the complaint and our review of documents, we initiated an investigation of the following allegation:

Allegation (1): The County's Parks and Recreation Department employees

submitted a fraudulent claim to FEMA seeking reimbursement for expenditures and obligations that they falsely alleged were caused by Hurricane Irma.

WHAT WE FOUND

Allegation (1) is not supported. Post-Hurricane Irma, County Parks and Recreation officials did submit an inaccurate claim to FEMA. However, we found insufficient evidence that the inaccurate claim was submitted with the intent of defrauding FEMA. Parks and Recreation officials acknowledged that an inaccurate FEMA Project Worksheet (PW) had been submitted and took appropriate, timely steps to notify FEMA. FEMA did not reimburse the County for expenditures and costs unrelated to Hurricane Irma.

Palm Beach County Parks and Recreation Director Eric Call provided a written response concurring with the findings. It is included in this report as Attachment 1.

The WB did not agree with the findings and the WB's written response is included in this report as Attachment 2.

BACKGROUND

Hurricane Irma was a Cape Verde hurricane that reached Category 5 intensity on the Saffir-Simpson Hurricane Wind Scale. Irma caused widespread devastation across affected areas and was one of the strongest and costliest hurricanes on record in the Atlantic basin.¹ Hurricane Irma made landfall as a Category 4 hurricane in the Florida Keys in Monroe County, Florida, on September 10, 2017. Irma was a Category 1 hurricane in Palm Beach County, Florida.

On September 4, 2016, Florida Governor Rick Scott issued Executive Order No. 17-235 declaring a State of Emergency for all sixty-seven (67) counties of Florida, and on September 5, 2017, he requested a Presidential Declaration of Emergency and federal assistance under Section 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§5121-5207, as implemented by 44 C.F.R. §206.35. On September 10, 2017, FEMA issued a Major Disaster Declaration for the state of Florida, thereby providing access to FEMA's Public Assistance program grants to state, tribal, and local governments, and certain types of private non-profit organizations to assist with recovery from major disasters or emergencies.

Bert C. Winters Park is a 16.5 acre County community park in Juno Beach within Palm Beach County, Florida with baseball fields, boat launch ramps and docks, canoe/kayak access, saltwater fishing, multipurpose fields, playgrounds, and tennis courts. The day following the landfall of Hurricane Irma, a team from Parks and Recreation conducted a damage assessment of Bert C. Winters Park.

Palm Beach County Department of Public Safety Disaster Preparation and Recovery Documentation of Disaster-Related Expenditures, PPM# CW-F-061

Palm Beach County Policies and Procedures Manual (PPM) section CW-F-061 details procedures for facilitation of reimbursement for disaster-related expenditures. PPM CW-F-061 states:

PURPOSE:

To establish responsibility for and specify the process to be followed in documenting disaster-related expenditures following a presidential and/or state disaster declaration to facilitate reimbursement from the Federal Government, the State of Florida and the County's private insurance carriers.

...

AUTHORITY:

- Robert T. Stafford Disaster Relief and Emergency Assistance Act, Public Law 93-288, as may be amended,

¹ Per the National Hurricane Center Tropical Cyclone Report on Hurricane Irma, published on June 30, 2018.

- 42 U.S.C. § 5121, et seq. (the Stafford Act), as may be amended,
 - Code of Federal Regulations, 44 CFR, Part 206, as may be amended.
- ...

POLICY:

During periods of an emergency, every Palm Beach County (PBC) department is responsible for keeping complete and accurate accounts of all disaster-related expenditures and obligations including personnel, material, equipment and contractual costs to document and facilitate Federal reimbursement requests under emergency or major disaster project applications.

PROCEDURES

III. Post-disaster Recovery

A. Disasters Impacting County Property WITHIN Palm Beach County

1. Initial Damage Assessment

- a) Immediately following a disaster, the Planning Zoning and Building Department Damage Assessment Coordinator in coordination with the DEM [Division of Emergency Management] will request each Department or Agency Head whose facilities or operations have been damaged by a disaster to perform an initial damage assessment and provide an initial total estimate damages.
- b) The department or agency will forward the completed form to the Planning Zoning and Building Department Damage Assessment Coordinator in conjunction with the DEM within 72 hours of the request.
- c) The Planning Zoning and Building Department Damage Assessment Coordinator in coordination with the DEM will consolidate these individual damage assessments into the countywide damage assessment portal through the incident management system. The DEM will submit this document to the State and FEMA representatives.

2. Preliminary Damage Assessment

- a) Immediately following the completion of the initial damage assessment and upon declaration from FEMA that the preliminary damage assessment phase begins, the DEM will request each Department or Agency Head whose facilities or operations have

been damaged by a disaster to perform the Preliminary Damage Assessment and complete and Preliminary Damage Inventory Assessment - Public Assistance forms for their department or agency.

- b) The department or agency will forward the completed form to the DEM within the timeframe requested by the State and/or Federal agencies.
- c) The DEM will consolidate the Preliminary Damage Assessment Public Assistance forms into a countywide damage assessment document, and submit this document to the State and/or Federal agencies.

3. Insurance Claim Submission

According to FEMA guidelines, the local government must obtain reasonably available, adequate and necessary insurance for the types of hazard (e.g., flood, wind, etc.) for which a disaster might be declared. FEMA will only reimburse the County to the extent that insurance fails to pay for damages sustained by the County.

It is imperative that County departments and agencies submit any disaster-related insurance claims (i.e., Property & Liability Incident Forms) to the Risk Management Department. Submission should NOT be delayed until after preparation of the related PW. In addition, the claim amount submitted to Risk Management must equal the claim amount ultimately submitted to FEMA on the PW.

8. Cost Eligibility

To determine cost eligibility, refer to FEMA's Public Assistance Program and Policy Guide (PAPPG)

ATTACHMENT A DEFINITIONS

11. Federal Emergency Management Agency (FEMA)

FEMA is the agency of the Federal Government responsible for coordinating and managing all federal assistance resulting from a declared emergency or major disaster.....

According to County PPM CW-F-061, the County must obtain reasonably available, adequate and necessary disaster insurance. FEMA will only reimburse for damages sustained by the County unpaid by insurance.

Federal Disaster Assistance

Title 44 CFR § 206.3, which is referenced in the County's PPM CW-F-061, generally notes that it is FEMA's policy to provide assistance programs "for public and private losses and needs sustained in disasters..." Any person who knowingly presents a false or fraudulent claim or statement to FEMA could be subject to civil or criminal penalties under 31 U.S.C. §3729.²

ALLEGATIONS AND FINDINGS

Allegation (1):

The County's Parks and Recreation Department employees submitted a fraudulent claim to the Federal Emergency Management Agency seeking reimbursement for expenditures and obligations for damages that they falsely alleged were caused by the Hurricane Irma.

Governing Directives:

Palm Beach County PPM#: CW-F-061- Disaster Preparation and Recovery of Documentation of Disaster- Related Expenditures; 31 U.S. Code § 3729- False Claims; Merit Rule 7, Section 24 Falsification of records- rules of conduct; disciplinary guidelines; adverse actions; employee recourse.

Finding:

The information obtained **does not support** the allegation.

OIG Review and Analysis of County Records

The OIG reviewed the Bert Winters Rapid Damage Assessment Safety form, which shows that on September 11, 2017, the day following Irma's landfall in Florida, a team from Parks and Recreation assessed Bert C. Winters Park and documented:

- the power was on,
- no lines were down,
- 30% ground debris,
- no flooding,
- park had water,
- park gates were intact and usable,
- the North boat ramp light pole was leaning.

² (a)Liability for Certain Acts.—

(1)In general.—Subject to paragraph (2), any person who—

(A) knowingly presents, or causes to be presented, a false or fraudulent claim for payment or approval;

(B) knowingly makes, uses, or causes to be made or used, a false record or statement material to a false or fraudulent claim ;

....

Form 1 Attachment B	Palm Beach County Parks and Recreation Department Rapid Damage Assessment - Safety Form
Storm Name: <u>IRMA</u>	Assessed by (name): <u>POTTER, Amerson, Irvin, Barajas</u>
District: <u>NORTH</u>	Date: <u>9-11-17</u>
Purpose: Assess each park for immediate safety concerns. As soon as a park has been assessed radio status to Parks Dispatch	
Park: <u>Ocean Cay Park</u> Electrical: Power on? Yes <input checked="" type="radio"/> No <input type="radio"/> Lines down? Yes <input checked="" type="radio"/> No Location(s) of downed lines:	Additional comments:
Flooding: Yes <input checked="" type="radio"/> No Does the Park have Water? Yes <input checked="" type="radio"/> No Park Gates: Intact & Usable? Yes <input checked="" type="radio"/> No (If unusable give location and brief description) Other Dangers Present? (road blocked, major structure damage, sewage spill, erosion, etc.) Yes <input checked="" type="radio"/> No Describe: <u>75% ground debris, 12 uprooted trees, 60% hangars, major sand accumulation</u>	
Park closed sign(s) installed? Yes <input checked="" type="radio"/> No Status reported to Parks Dispatch? Yes <input checked="" type="radio"/> No	
Park: <u>Loggerhead</u> Electrical: Power on? Yes <input checked="" type="radio"/> No Location(s) of downed lines:	Additional comments: <u>30% ground debris</u>
Flooding: Yes <input checked="" type="radio"/> No Does the Park have Water? Yes <input checked="" type="radio"/> No Park Gates: Intact & Usable? Yes <input checked="" type="radio"/> No (If unusable give location and brief description) Other Dangers Present? (road blocked, major structure damage, sewage spill, erosion, etc.) Yes <input checked="" type="radio"/> No Describe: <u>Seagrass Beach on very S small portion,</u>	<u>35% Hangars</u> <u>2 stop signs down</u> <u>1 ped. crosswalk down</u>
Park closed sign(s) installed? Yes <input type="radio"/> No Status reported to Parks Dispatch? Yes <input type="radio"/> No	
Park: <u>Bert Winters</u> Electrical: Power on? Yes <input checked="" type="radio"/> No Location(s) of downed lines:	Additional comments: <u>30% ground debris</u>
Flooding: Yes <input checked="" type="radio"/> No Does the Park have Water? Yes <input checked="" type="radio"/> No Park Gates: Intact & Usable? Yes <input checked="" type="radio"/> No (If unusable give location and brief description) Other Dangers Present? (road blocked, major structure damage, sewage spill, erosion, etc.) Yes <input checked="" type="radio"/> No Describe: <u>N Boat Ramp solar light pole leaning.</u> <u>flagged off</u>	
Park closed sign(s) installed? Yes <input checked="" type="radio"/> No Status reported to Parks Dispatch? Yes <input checked="" type="radio"/> No	

Post-Hurricane Irma Damage Submissions to FEMA

The OIG also reviewed the Department of Homeland Security, FEMA Project number 26774 records detailing the County submission to FEMA for Irma damages for Bert C. Winters Park. The damage report stated under the heading "Facility Damage":

Solar Light Components:

Lighting, 1 each of SEPA255 solar electric power assembly ... were damaged as a direct result of hurricane high winds that caused the solar panel to detach from its concrete base, GPS: 26.8743, -80.0661, 100% work completed.

Department of Homeland Security Federal Emergency Management Agency			
General Info			
Project #	26774	Project Type	Work Completed / Fully Documented
Project Category	G - Parks, Recreational Facilities, and Other Items	Applicant	Palm Beach County (099-99099-00)
Project Title	Category G Parks Completed Lane	Event	4337DR-FL (4337DR)
Damage Description and Dimensions			
<p>The Disaster # 4337DR, which occurred between 09/04/2017 and 10/18/2017, caused:</p> <p>Damage #85668; BERT C WINTERS PARK/completed</p> <p>General Facility Information:</p> <ul style="list-style-type: none"> ■ Facility Type: Parks, Cemeteries, and Recreational Facilities ■ Facility: Multi-purpose Recreational Facility ■ Facility Description: Boat Ramp ■ Approx. Year Built: 1982 ■ Location Description: 13425 Ellison Wilson Rd., Juno Beach, FL 33408 ■ GPS Latitude/Longitude: 26.87430, -80.06610 <p>General Damage Information:</p> <ul style="list-style-type: none"> ■ Date Damaged: 9/10/2017 ■ Cause of Damage: Hurricane high winds <p>Facility Damage:</p> <p>Solar Light Components:</p> <ul style="list-style-type: none"> ■ Lighting, 1 each of SEPA255 solar electric power assembly w/85 Watt solar panels, 255 Amp hour battery assembly, consisting of two 112 amp hour batteries, were damaged as a direct result of the hurricane high winds that caused the solar panel to detach from its concrete base. GPS: 26.8743, -80.0661, 100% work completed. 			

The County damage inventory master list of items submitted for FEMA reimbursement detailed the submitted damages for the Bert C. Winters Park boat ramp as "Multiple Solar Lights Damaged," with a replacement cost of \$7,910.00. The County point of contact for the submission was Ms. Sally Waite, the County's Emergency Coordinator.

Our office also reviewed the County's October 30, 2017 post-Irma damage submissions to FEMA, the County's Main Trac system (the maintenance management software for park operations), work orders, site inspections, and emails. Those Main Trac records noted that County Parks and Recreations electricians removed the South and North side Light Systems of the Bert C. Winters Park boat ramp for the boat ramp expansion project. The records made no mention of damage caused by Hurricane Irma nor the need or desire to expend monies to repair or restore the solar light systems at the Bert C. Winters Park boat ramp. Those Main Trac Records are shown below:

Parks and Recreation Department	MainTrac	Page: 1		
Run Date: 08/11/18	WORK ORDER # 14435	User: EAMIDON		
Run Time: 7:13 am				
Work Order Number: 14435				
Description: Bert Winters - remove solar light				
Requested By	Eric Amidon	Date of Request: 10/30/2017		
Address:	TC-EM 0011 Lake Worth, FL 33461	Home Phone: (561)676-3295		
EMail Address:	EAmidon@pbcgov.org	Work Phone: (561)963-6717		
Assigned To: Eric Amidon, Ron Ruehl	Due Date: 11/29/2017			
Location: Bert Winters	Due Time: 12:00 am			
	Current Status: Complete			
	Priority: 2 - Standard			
Work Order Notes:	Bert Winters , Remove Solar Light System on the south side of Boat Ramp light pole , so contractor can expand for new boat ramp .			
Call Notes:	Bert Winters , Remove Solar Light System on the south side of Boat Ramp light pole , so contractor can expand for new boat ramp .			
<hr/>				
<u>Resource</u>	<u>Fixed Asset/Job #</u>	<u>Activity/Task #</u>	<u>Hours</u>	<u>Date</u>
_____	Electrical	1001 Repair/Replace/Remove	_____	_____
_____	Non-Athletic Light	1001 Repair/Replace/Remove	_____	_____
Complete:	YES	NO		
Date:	_____			

Parks and Recreation Department	LIVE	Page: 1
Run Date: 02/08/19	WORK ORDER # 19281	User: RBAILEY
Run Time: 2:36 pm		
Work Order Number: 19281		
Description: Bert Winters-solar light/pole removal		
Requested By	John McCarthy	Date of Request: 06/06/2018
Address:	Planning&Design	Home Phone: (561)379-6626
	PLAN 0040	Work Phone: (561)966-6634
Lake Worth, FL 33461		
EMail Address:	jmccarth@pbcgov.org	
Assigned To:	Eric Amidon, Ron Ruehl	Due Date: 07/06/2018
Location:	Bert Winters	Due Time: 12:00 am
Fixed Asset:	BERTW-LIGHT: Non-Athletic Light	Current Status: Complete
Activity Code	1001: 1001 Repair/Replace/Remove(0)	Priority: 2 - Standard
Work Order Notes:	Bert Winters- Please coordinate removal of solar light and pole. Please see below photos of signage removed by contractor but not scheduled for reinstallation as part of project. Also solar light in photo was scheduled for removal by Parks electricians during construction but was not removed. Please advise, we still have a dumpster on site.	
Call Notes:	Bert Winters- Please coordinate removal of solar light and pole. Please see below photos of signage removed by contractor but not scheduled for reinstallation as part of project. Also solar light in photo was scheduled for removal by Parks electricians during construction but was not removed. Please advise, we still have a dumpster on site.	

OIG Interview of the WB

The WB told the OIG that the damage inventory master list initially had the entry, "The Bert C. Winters Park boat ramp solar light systems; approximate cost, \$7910.00; damage number 85668." The WB stated that the WB inspected these solar light systems a day after Hurricane Irma, and that there was no damage to the North or South boat ramp light systems. Instead, the light systems were removed after Irma to allow for a separate Bert C. Winters Park boat ramp expansion project. The WB stated the light system on the south side of the boat ramp was removed in November of 2017 (two months following Irma) and the system on the North side was removed in June 2018 (eight months following Irma). Following their removal, the WB saw that both light systems were still undamaged and placed in storage, ready to be reinstalled elsewhere.

The WB told the OIG that damages described in the Department of Homeland Security FEMA project for the Bert C. Winters Park solar lights was not accurate. The WB also advised the OIG that the WB notified Parks and Recreation management in August of 2018 that the light systems were not damaged during Hurricane Irma.

OIG Review of Archived County Emails

Consistent with the WB's statements to the OIG, our review of archived emails found that County Parks and Recreation management became aware of possible inaccuracies in the department's FEMA submissions in August of 2018. According to these emails, County Parks and Recreation employees notified Parks and Recreation management that the Bert C. Winters Park North and South light systems were not damaged during Hurricane Irma.

On September 17, 2018, before the WB complained to our office, Parks Recreation Director Eric Call, Assistant Director Jennifer Cirillo, and Director of Parks Operations George Lacosta discussed via email the removal of the solar light systems of the Bert C. Winters Park boat ramp from the FEMA claims list.

On September 17, 2018, Parks and Recreation Financial Analyst Beverly Thompson sent an email to County Emergency Coordinator Sally Waite stating: "If it's not too late, can you please remove damage 85668 from our reimbursement request, these lights were removed for park renovation improvement project."

Damage 85668 referred to the entry for the Bert C. Winters Park boat ramp solar light systems. The OIG examined an email exchange between Ms. Waite and FEMA liaison Wande Shaw on October 22 and October 24, 2018. These emails show that both Ms. Waite and Mr. Shaw agreed to withdraw damage reimbursement for Damage 85668 - Bert C. Winters Park. On October 22, 2018, FEMA liaison Shaw asked Ms. Waite, "I am sending this email to ask if it [sic] for me to withdraw damage damages 85509, 85528, 85558, 85668, and 85718." Ms. Waite replied, "Yes: 85528, 85668, 85558, 85718."

This request to update the claims submission was submitted to FEMA prior to the December 2018 deadline for final Irma damage submissions.

Nevertheless, the replacement cost of the solar light systems was listed by FEMA on the final completed report. As of January 15, 2019, "damage number 85668 - Bert C. Winters Park boat ramp solar light systems" was still listed on the "Department of Homeland Security FEMA Project to be Submitted" as a claim.

OIG Review of Florida Division of Emergency Management Recovery Bureau Records

The OIG examined the Florida Division of Emergency Management Recovery Bureau records for reimbursement cost for damage number 85668 as of September 10, 2019. Those records reflect that while item 85668 is still on the FEMA claim list, the reimbursement requested amount for item 85668 is now \$0.00.

OIG Interview of County Parks and Recreation Department Electrician Mario Lee

Mr. Lee and his brother, who is also a Parks and Recreation electrician, removed the solar light system on the south side of the boat ramp in November, 2017. They brought the light system to John Prince Park for storage. Mr. Lee stated both the north and south light systems were in good condition and operational when removed and stored.

OIG Interviews of Sally Waite, County Emergency Coordinator

The OIG first interviewed Ms. Waite on December 18, 2018. Ms. Waite was responsible for the processing of all unincorporated County, Sheriff's Office and County School District shelter-related Irma disaster claims to FEMA. Ms. Waite stated each department is responsible for assessing and reporting their own damages and losses. FEMA representatives work with her and with staff in the field to assess all claims at each step in the process. Ms. Waite explained that after claims are categorized, they are reclassified as projects. Projects are detailed lists of damages and losses, and are changeable.

Ms. Waite told the OIG that FEMA site inspectors are present and oversee everything in the field. When assessing damages, FEMA inspectors request and review maintenance reports for each damaged structure, item, land, or piece of equipment. Ms. Waite stated that the claims process is lengthy and tedious. Ms. Waite stated that the County had not yet been compensated for any Irma damages.

When our office interviewed Ms. Waite a second time on June 13, 2019, she determined from looking in her records system that Damage Number 85668, Bert C. Winters Park was no longer on her Parks and Recreation Department list to be submitted to FEMA.³ During this interview, Ms. Waite cited the September 17, 2018 email from Ms. Thompson, her point of contact at Parks and Recreation, which read; "If it's not too late, can you please remove damage 85668 from our reimbursement request, these lights were removed for park renovation improvement project."

Ms. Waite stated that only FEMA employees can remove reimbursement items from the FEMA portal.

OIG Interview of Beverly Thompson, Parks and Recreation Financial Analyst

Ms. Thompson stated that following a hurricane, there are three damage assessment groups that are deployed to evaluate the damages. One group assesses for safety, another for a quick assessment, and the last is for a detailed damage assessment, which includes pictures and damage description forms. These assessment records are submitted to the maintenance department prior to Ms. Thompson receiving them. Ms. Thompson then gathers all the initial information received from the maintenance department and enters it on a master spreadsheet.

³ While Ms. Waite told the OIG that she removed damage item 85668 from her FEMA submission list, FEMA records still had the item on its list at the time of the interview.

When the assessment crews are in the field, they call dispatch to describe the damages. As the calls come in, Ms. Thompson compiles a list of damages. Ms. Thompson was given two weeks after Irma to turn in the master list to FEMA. As time elapsed and more details were submitted about possible damages, Ms. Thompson revisited the master list and removed items. Per request from Assistant Director Jennifer Cirillo, Ms. Thompson removed the Bert C. Winters Park damage from the list. Ms. Thompson had no idea how those damages got on the master spreadsheet.

OIG Interview of George Lacosta, County Director of Parks Operations

Mr. Lacosta told the OIG that damage at Bert C. Winters Park was on the Rapid Damage assessment sheet that described the North light pole as “leaning.” The rapid assessments were added to the FEMA lists, and the FEMA lists were examined to determine if the damages were hurricane-related. The initial presumption was that the light poles were damaged during Irma.

Mr. Lacosta opined that the assessment of the lamp leaning led to the light system’s placement on the damage master list. He added that staff reviews the list throughout the entire process to remove items that are not hurricane-related. The ultimate goal is to submit the most accurate list possible and open parks as quickly as possible post-storm.

Mr. Lacosta stated he knows of no one in Parks and Recreation who would intentionally have placed items on the list for the purpose of defrauding FEMA. He stated that FEMA quickly comes up with the initial list and as a result the quality control is very weak at the beginning of the process.

OIG Attempts to Obtain Information from FEMA

In April of 2019, the OIG office attempted to obtain information from FEMA by contacting the County FEMA Liaison. FEMA referred our office contact the State of Florida Division of Emergency Management.

OIG Interview of Florida Division of Emergency Management's Recovery Bureau Chief Amanda Campen

On September 10, 2019, our office interviewed Ms. Campen, who stated that the Florida Division of Emergency Management Recovery manages FEMA funds and following the claims process, her agency is responsible for disbursement of funds to Florida Counties.

They examined their internal records, which showed that as of September 19, 2019, damages to the Bert C. Winters Park boat ramp solar light components remained on the FEMA claims list. Although damages remained on the list, the reimbursement cost was now listed as \$0.00.

OIG Conclusion:

Following Hurricane Irma, the Rapid Damage Assessment completed on September 11, 2017 showed the Bert C. Winters boat ramp north side solar light pole as “leaning.” This initial assessment was submitted by the County to FEMA to file a damage claim for reimbursement. The OIG cannot determine if this “leaning” was caused by Hurricane Irma; however, witnesses stated that even if the pole was leaning, the light system was still fully functional and was only removed because of a Parks and Recreation expansion project. These witnesses stated that the systems were not damaged by Hurricane Irma.

During subsequent County assessment and review processes, Parks and Recreation officials and staff realized that the claims to FEMA inaccurately included the Bert C. Winters Park boat ramp solar light systems. By the end of the month following that new assessment, the County notified FEMA of the erroneous inclusion of the items. This notification was sent prior to the deadline for final Irma damage submissions and FEMA did not reimburse the County for expenditures and costs unrelated to Hurricane Irma.

Following the request from Parks and Recreation staff to remove the damage from the FEMA claims list, FEMA assigned a cost of \$0.00 to the claim.

We found insufficient evidence that County employees falsified records or knowingly submitted a false or fraudulent claim or statement to FEMA. Post-Hurricane Irma, County Parks and Recreation officials acknowledged its inaccurate FEMA Project Worksheet and took appropriate, timely steps to notify FEMA.

ACKNOWLEDGEMENT

The Inspector General’s Investigations Division would like to thank the County’s Park and Recreation Department and the Emergency Operation Center’s staff for their cooperation throughout this investigation.

RESPONSE FROM MANAGEMENT

Pursuant to Article XII, Section 2-427 of the Palm Beach County Code, on February 12, 2020 Palm Beach County Parks and Recreation Director Eric Call was provided the opportunity to submit a written explanation or rebuttal to the finding as stated in this Investigative Report within ten (10) calendar days. The OIG received a written response from Mr. Call on February 13, 2020, which is attached to this report in its entirety as attachment 1.

RESPONSE FROM WHISTLEBLOWER

Pursuant to Article XII, Section 2-427 of the Palm Beach County Code, on February 12, 2020 the WB was provided the opportunity to submit a written explanation or rebuttal to the finding as stated in this Investigative Report within ten (20) calendar days. The WB

requested an extension on March 3, 2020 which was granted by the OIG. The OIG received a written response from the WB on March 4, 2020.

The OIG has addressed all of the viable initial investigative allegations by the Whistleblower. The attached response from the Whistleblower has not identified any new areas of OIG investigative interest. The Whistleblower's response is provided as Attachment 2.

*This Investigation has been conducted in accordance with the ASSOCIATION OF
INSPECTORS GENERAL Principles & Quality Standards for Investigations.*

**ATTACHMENT 1
MANAGEMENT RESPONSE**

From: Eric Call <ECall@pbegov.org>
Sent: Thursday, February 13, 2020 3:43 PM
To: Stu Robinson <SRobinson@pbegov.org>
Cc: hbelanger@pbncgov.org; Anthony Bennett C. <ACBennett@pbegov.org>
Subject: FW: OIG DRAFT Investigative Report 2019-0003

Mr. Robinson:

Thank you for providing me the Draft Investigative Report on OIG Case Number 2019-0003. It is quite apparent that you and your investigative team conducted a thorough investigation of the allegation and consequently, I concur with your findings.

During the aftermath of a natural disaster, Emergency Managers tell me that recording or reporting errors do commonly occur as we endeavor to meet reporting deadlines. Fortunately, we have numerous checks, balances and audits in place to catch and correct these innocent reporting inaccuracies and it seems clear in this case that staff followed proper protocols in notifying FEMA prior to a report being finalized. I am satisfied that your investigators found essentially no evidence of wrong doing and were able to validate the professional and conscientious conduct of our employees who work tremendously hard before, during and after a catastrophic event.

Thank you for allowing me to offer this written response.

Sincerely,

Eric Call | Director, Parks and Recreation
2700 6th Avenue South | Lake Worth, Florida 33461
T: 561.966.6613 | F: 561.963.6734 | eCall@pbegov.org
Connect with us: www.pbcparks.com

**ATTACHMENT 2
WHISTLEBLOWER RESPONSE**

Good afternoon Stu ,

In response to the Draft report 2019-0003 , I don't agree with the outcome . I believe the intent to **defraud** FEMA is valid in my mind . Ron Ruehl misrepresented the facts on the FEMA Report #85668; BERT C WINTERS PARK/completed. Ron described on the detailed assessment report the solar panels were damaged as a direct result of hurricane high winds that caused the solar panel to detach from its concrete base and the mounting bracket was damaged due to the force of high winds causing damage to the charge controller (document to follow).

[REDACTED] the spread sheet for all repairs completed. [REDACTED]
[REDACTED] fraudulent information on the damage inventory spreadsheet dated Aug. 3rd, 2018. [REDACTED] would be corrected. [REDACTED] the same spreadsheet approximately 30 days later still listing the damage to the solar lights on Oct. 2018 and no changes were made.

Ron Ruehl visited Bert Reynolds Park twice , the initial and the final time. The second time he visited with a FEMA Representative is when he gave a description of damage. I feel Ron was directed to give this false information from George Lacosta.

The impact on me and my family personally has created a tremendous amount of anguish and stress. This is the result of [REDACTED]
of this department. [REDACTED] after I reported the intent of defraud of FEMA.
[REDACTED]

[REDACTED] I have many more facts to offer if you would like to discuss .

Best regards [REDACTED]